

# MEMPHIS AREA ASSOCIATION OF REALTORS®

June 16, 2000

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REGULATORY AUTH.

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OFFICE OF THE  
EXECUTIVE SECRETARY

Mr. H. Lynn Greer, Jr., Director  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

00-00522

Dear Lynn:

It has come to our attention that legislation establishing the "Do Not Call" list is currently being interpreted by the Tennessee Regulatory Authority to require all real estate licensees, who are independent contractors, to purchase their own copy of the "Do Not Call" list at a cost of \$500. We request that the Tennessee Regulatory Authority hold a rulemaking hearing on this issue to consider allowing real estate companies purchase one copy of the list for distribution to its affiliated agents.

We believe the intent of this legislation was to protect the privacy rights of those citizens requesting not to be contacted by telephone solicitors. We also believe that any revenue raised from the sale of the "Do Not Call" list was intended to cover the cost of the list's administration and not to be a revenue generator.

This interpretation by the Tennessee Regulatory Authority seems to be in direct contradiction to the intent of Tennessee legislators and imposes more onerous requirements on real estate companies as compared to other businesses in Tennessee solely based on the fact that most real estate agents are independent contractors.

While it may be true that other industries have less control over the acts of their independent contractors, real estate law and regulations in the State of Tennessee place responsibility on brokers for the acts or omissions of their affiliated licensees and require brokers to supervise their affiliated agents on a full-time basis. Also important to your consideration is the fact that real estate agents are not hired as independent contractors for the primary purpose of making telephone solicitations.

Due to the imminence in which this law will take effect and its potential impact on tens of thousands of real estate licensees throughout the state, we kindly ask that a rulemaking hearing be held on this issue as expediently as possible.

POSTED  
6-21-00



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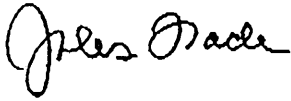
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Thank you for your urgency in handling this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jules Wade".

Jules Wade  
Executive Vice President